

REPORT TO THE TWENTY-SECOND LEGISLATURE
OF THE STATE OF HAWAII
REGULAR SESSION OF 2003
ON
SENATE CONCURRENT RESOLUTION 116

SUBJECT: THE USE OF MOTORIZED DEVICES ON SIDEWALKS, HIGHWAYS, AND
PUBLIC AREAS

State of Hawaii
Department of Transportation
January 2003

**REPORT TO THE TWENTY-SECOND LEGISLATURE
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Senate Concurrent Resolution 116 requested the Department of Transportation (HDOT) to convene a task force to study the problem of motorized devices that are not currently classified in the Hawaii Revised Statutes, and develop suggestions for controlling their use on sidewalks, highways and public areas. Three meetings were held with community and government representatives.

The task force began by reviewing the various types of unclassified devices that are available to consumers and then deciding upon which ones needed immediate attention. Although there are some off-road devices that have impressive performance capacities, their use on public property is not currently a problem. Some of the devices in this category include dune buggies, pocket bikes (miniature motorcycles that can go over 50 miles per hour) and various designs of go-carts, one of which carries four persons.

The devices that were of immediate concern due to the recent growth in popularity of motorized scooters were grouped into types on the basis of their potential for speed. The six groups were:

<u>Device Type</u>	<u>Maximum Speed</u>
3 or 4-wheeled scooters for the elderly	4.25 mph
Motorized wheel chairs	4.5 mph
Electric motorized scooters & skateboards	12 to 15 mph
Electric Personal Assistive Mobility Devices	12.5 mph
Electric bicycles	15 to 18 mph
Motorized scooters with gas engine	12 to 28 mph

Pictures and information about these devices are in Appendix A.

The task force decided to focus on three devices: (1) motorized scooters, or motorized person transporting platforms (MPTPs) – both electric and gas; (2) motorized bicycles; and (3) electric personal assistive mobility devices (EPAMDs). Of these three, motorized scooters were discussed the most. The task force decided to ignore the first two devices on the list, because they travel slowly. The first item seems to be used only by the elderly. Neither of the first two devices on the list above seems to be problematic.

During the meetings advantages and disadvantages of using motorized devices were presented. When the number of restrictions on device use is minimized, advantages and usefulness are maximized. When minimal restrictions are assumed, the benefits to be derived by use of the devices include those listed below. The task force sought a reasonable balance between usefulness and safety. The restrictions that are recommended by the task force will reduce the magnitude of advantages, but hopefully they will also reduce the magnitude of the disadvantages.

Advantages:

1. They provide a means of motorized transportation for people too young to obtain a driver's license.
2. Their use can promote development in children in the area of accepting responsibility. For example, they can be used as a "carrot" to improve performance in school. Their use can also be associated with employment opportunities, the development of vehicle maintenance skills and riding skill development.
3. They provide adults with a fuel-efficient alternative to short trips in an automobile.
4. They can reduce travel time for pedestrians.
5. They can be a form of entertainment and competition.
6. They can be used by various businesses for transport purposes.
7. They can help alleviate some of the traffic congestion and parking problems.
8. They can be used by the general public in a wide variety of ways.

Disadvantages:

1. Scooters have relatively small wheels (typically 9 inches in diameter) and most have no suspension system, which makes them relatively more vulnerable than motor vehicles on surfaces with large cracks or potholes.
2. Since they can travel considerably faster than pedestrians, unsafe use could easily result in injury to both riders and pedestrians, if used on sidewalks.
3. Since they are relatively smaller and slower than motor vehicles and sometimes lack basic safety equipment, such as lights and sometimes brakes, they do not mix well with the normal flow of motor vehicle traffic.
4. At present, it seems that they cannot be insured.
5. Unless they are regulated, they can be used inappropriately by persons who have inadequate concern for other street, sidewalk or park users.

There was considerable discussion about data. The task force would have liked its recommendations to the Legislature to be based on data and facts. However, since the popularity of these devices is rather new and since they are currently unregulated, no systematic means of gathering data on them exists. The resolution contains very general data in an attempt to get readers to accept the WHEREAS that states that the unregulated use of motorized scooters on sidewalks has potential for injury. The resolution does not request the task force to analyze data, but it does request that legislation in other states be reviewed and used as the basis for its recommendations.

After reviewing legislation from other states, lists of possible regulations for Hawaii were developed for each of the three devices the task force chose to address. The task force then discussed each item on the lists as well as items not on the lists until a consensus was reached. The lists were then put into the format of a legislative bill. The bill was

reviewed and modified until another consensus was reached. The proposed bill is located in Appendix B.

Legislatively, the task force recommends that all three devices be treated similarly; the motorized bicycle has the most differences, because it is given nearly all the privileges of human powered bicycles, whereas the other two devices are not.

A list of the regulations that are generally common to the three devices follows:

1. The manufacturer or distributor must provide a warning that the device may not be covered by any insurance that the person currently has.
2. No driver's license, rider identification, insurance or device registration with a County is required.
3. The devices may be used only on public streets with two-lanes or less and a speed limit of 25 mph or less.
4. Except for EPAMDs, the devices must have a caliper, disk or drum brake on at least one wheel, which is able to cause the tire to skid on a dry, level, paved surface from a speed of approximately 10 mph.
5. Except for motorized bicycles, the devices must be operated only in daylight hours, beginning $\frac{1}{2}$ hour before sunrise and ending $\frac{1}{2}$ hour after sunset.
6. Operators must ride single file as close as practicable to the right side of the roadway, even on 1-way roadways. Motorized bicycles may be operated on the left side of one-way roadways.
7. The devices may be used on bicycle lanes and paths unless prohibited by signs.
8. Excluding motorized bicycles, when mixing with other traffic, the operators must only travel straight ahead or turn right. Left turns must be made by pulling off the road on the right side and entering again to cross from a right angle like a pedestrian.
9. Operators must not carry a passenger.
10. Operators must not carry cargo, which by its size or weight could hinder safe operation or, require the operator to drive with only one hand.
11. Hazardous materials may not be transported, exclusive of fuel required to operate the device.
12. No person under sixteen years of age shall operate a device upon a street, bikeway, or any other public property unless that person is wearing a properly fitted and fastened protective helmet that has been tested by a nationally recognized agency such as the National Highway Traffic Safety Administration, the National Safety Council, or the Children's Safety Network, and is designed to fit the user and protect against head trauma.
13. A device with an internal combustion engine must have a functionally effective muffler as on original equipment or an original equipment manufacturer (OEM) replacement part. Replacement mufflers must not allow more engine noise than the original muffler.
14. An operator must give an audible signal before overtaking and passing any pedestrian or other non-motor vehicle user.
15. Operators shall obey all speed limits.

16. The devices may not be parked in the street. When parked on or near the sidewalk, they must not be an obstruction to pedestrian traffic or cause damage to plants or other property.

Rationale for the above items:

1. The task force did not want anyone to wrongly assume that a device was covered by an existing insurance policy when in fact it was not.
2. The task force does not anticipate large numbers of these vehicles being used, due to the restricted areas of use. Therefore, the task force was of the opinion that requiring the items listed in #2 would not be worth the cost to implement them. Since no age limit is set for device operators, it would be very difficult to license young children with very limited reading skills and require them to carry a license. Registration has the benefit of generating funds for bicycle facilities, and it could possibly facilitate finding a lost or stolen device; however, there is also a probability that enough people will neglect the registration process to make the added administrative cost be a burden to the Counties.
3. The task force concluded that there are many residential areas as well as back roadways in nonresidential areas where the devices could be used on the streets safely, because traffic volumes are very low and the vehicles that travel in them move slowly. Limiting their use to the noted streets will limit the potential for mixing with large volumes of faster moving motor vehicle traffic.
4. The task force is of the opinion that devices should have a brake to enable operators to avoid danger. The EPAMD is an exception; although it is not manufactured with a brake, it does have a fairly effective means of stopping the device.
5. Since most of the devices are not manufactured with lights and reflectors, and in many cases it is not practical to retrofit them, the task force elected to allow MPTPs and EPAMDs to be used only during daylight hours.
6. The objective of keeping the devices to the right, even on one-way roads is to make it easy for motorists to anticipate where the devices will be in operation.
7. Allowing the devices to use bicycle lanes and paths maximizes the opportunity to separate the devices from motor vehicle traffic.
8. Imposing these methods of turning minimizes opportunities for the devices to mix with other traffic.
9. This restriction is aimed at minimizing the device operator's chances of losing control of the device.
10. These restrictions are also aimed at minimizing the device operator's chances of losing control of the device.
11. Operators are not allowed to transport hazardous materials, because the design of these devices is generally not conducive to carrying hazardous materials.
12. This requirement is aimed at reducing the probability of injury should an operator fall. All two wheeled vehicles and devices can be upset and cause the operators to fall to the ground. Head protection can minimize the risk of serious injury, should an operator fall.
13. Requiring an effective muffler is aimed at minimizing noise complaints.

14. Audible signals are expected to minimize collisions with pedestrians and other device operators.
15. Requiring obedience to speed limits should minimize the probability of a serious injury in the event of a fall or crash.
16. The parking restrictions are intended to preclude obstructions to pedestrians and motor vehicle traffic.

When discussing the purview of the proposed legislation, the task force members were of the understanding that the Counties have a right to pass an ordinance that would be stricter than a state law regulating the use of motorized devices. It was not until after the proposed legislation was finished that the task force became aware that legislation must give Counties specific authority to supersede a state law with an ordinance. An example of this is in 291C-113, HRS. Since the task force was unable to discuss this issue, the proposed legislation makes a specific statement regarding the Counties only in 291C-197, relating to the use of motorized devices on bike paths. The purview of the legislation will probably become a topic of discussion at legislative hearings.

One other topic that was not discussed by the task force before the deadline for submitting the report is tandem motorized bicycles. The task force discovered too late that there are motorized tandem bicycles designed and manufactured to accommodate two persons. A tandem bicycle has two seats, two handlebars and two sets of pedals so that two people, one behind the other, can ride and pedal the same bike at the same time. The recommended legislation does not provide for these devices. It only allows single-person devices to be used. However, in light of this new information, it may be appropriate to expand the definition of a motorized bicycle to include motorized tandem bicycles.

APPENDIX A



Features:

- Speed: 16 to 18 mph
- Range: Up to 12 miles
- Charge Time: 4-6 hours
- Batteries: 24 Volt 10 Amp Hour
- Wheels: Aluminum Alloy
- Drive: Belt
- Weight Capacity: 240 lbs.
- Scooter weight: 59 lbs.
- Tires: 12.5 in. x 1.25 in. Pneumatic
- Motor: 350 watt "High Efficiency" Motor with rare earth magnets
- Shocks: Front & rear shock absorbers
- Brakes: Dual braking system - front V-brake and rear drum brake - stops you quickly and safely
- Rear aluminum luggage rack included
- Seat included-Removable seat post if you prefer to stand
- Battery condition LED meter
- Fold-up design for easy portability
- Adjustable-height handlebars
- Kickstand included
- Battery Charger-Included
- Frame: Aluminum Alloy
- Color: Silver with black accents
- 90-day warranty factory warranty



Features:

- Brakes: Front BMX style, rear band brake (Front and rear)
- Fork: 12" suspension, spring elastomer type with 2 inches of travel
- Battery Pack: 24 volt-Dual 12V, 10 Amp Hour, Sealed Absorbed Glass Mat (AGM) Lead Acid
- Battery Box: Steel
- Rims: 12" x 1.75" cross spoke alloy wheel
- Tires & Tubes: Kenda K-909 12" x 2.25 "Black street tire with thorn resistant tubes.
- Maxi Speed: 15 mph
- Max Range: 14 miles
- Power indicator: Down tube console with integrated on-off switch, power indicator light and charger port.
- Motor: New Super Torque Electro Drive, 24-volt brushless high-efficiency motor with built-in controller, low voltage battery and overheat protection.
- Frame: Rectangular tube for extra strength.
- Suspension: Dual front shocks with over two-inches of travel. Rear Single (Mono shock absorber) over three inches of travel.



Tiger Mosquito Gas Scooter (FREE SHIPPING)

Tiger Mosquito Gas Scooter (FREE SHIPPING)

The tiger is a robust, stable and fast gas scooter with tremendous power. You name it and the Tiger can do it. General recreation, off-road at the camp site, on the boat, in your RV or along with you in your airplane. The Tiger is the answer for practical personal transportation.

Everything you would want in a gas-scooter is on the Tiger Mosquito.

It will take anyone anywhere regardless of the weight of the rider. On road, off road, flat surface, up hills, dirt or pavement, grass or firm sand, the Tiger will do the job! Powerful 40cc engine and the tires are big, strong and great for off road riding.

The Tiger will go 25 MPH plus on a flat road. (no kidding!) It uses a gear drive off the engine and then a chain to the rear tire. It has a band rear brake. Do you live in a hilly area, the Tiger can climb steep grades and also has an automatic clutch. You can go full speed, then when you let off the gas, the scooter just continues to coast with no resistance and the engine drops to an idle. Sort of like peddling a bike real fast and then coasting. Do your friends have another type of scooter? You will BLOW them away on any hill, any street, any race they can think of.

The Tiger will go anywhere a regular scooter won't. Rain, mud, snow, grass, gravel, rocks, hills.... won't stop it. The Tiger is one of the best scooters on the market. Prowl along with this cat, it will growl at the competition!

Features:

- All aluminum frame with cast aluminum rear wheel well.
- Amazingly powerful 40cc two-stroke engine gas/oil mixture
- Gear to gear primary drive system
- Chain drive secondary
- Air filled tires
- Centrifugal clutch

- Center mounted engine
- Free wheel drive system
- Rear brake
- Large 9" x 3" tires
- Adjustable handle bar for any size rider
- Folding handle bar for one hand carrying
- Composite board
- Optional seat
- Convenient kick stand



Super Bigfoot

Go-Ped® has done it again! Here is the Super Bigfoot with all the goodies. This one is ready to race, with the new G230RC motor **it will run about 28 mph** out of the box!! The Super Bigfoot has a motor lock down kit for better transfer of power, larger gas tank for longer rides, Tim Patmont bend bars, aluminum rims, and all the style you can handle!! These are a limited edition so get em while you can. Shipping in the 48 states will be \$FREE on this one too.





Currie E-Ride Electric Mountain Bike (FREE SHIPPING)

Electric Bicycles

Riding an electric bicycle is an amazing experience. You silently glide along without pedaling while running on electric power at speeds up to 18 miles per hour. If you want to pedal, go ahead. The E-Ride performs exactly like any other quality bike using human power. The Currie E-Ride Electric bicycle is a superior performer. It is designed to withstand the rigors of day-to-day use. Built to use on country roads and unpaved bike paths.

The E-ride is a fully functional mountain style bike with top brand components, comfortable ride and great styling. This is the way to go, go, go!

Features:

- Drive: All weather direct "freewheeling" chain drive.
- Motor: Reliable 24 volt "Finned High-Torque Brushless." Built in controller w/ low voltage battery protection.
- Throttle: Handle bar mounted thumb throttle. Comfortable precise speed control.
- Batteries: 2 x 12 volt, 12 AH sealed lead acid.
- Fork: Elastomer suspension 1 1/8"
- Headset: Threadless 1 1/8" steel
- Handlebar: MRB 630mm wide & 30 mm rise.
- Grips: Velo MTB w/ twist shift
- Brakes: Lee Chi lines pull w/ 3 finger MTB levers.
- Saddle: Velo-spring comfort design.
- Hubs: Quick release
- Rims: 26" X 1.5" alloy silver anodized.
- Tires and Tubes: 26" X 1.95" On-Off Road all terrain.
- Frame: 18"
- Front Derailleur: Shimano MF-FD TY22 top-pull.
- Rear Derailleur: Shimano RD-MR-22GS, 7 speed.
- Chainwheel: SR Suntour CW-XR-128
- Charger: 1.25 amp smart charger-Included
- Kickstand included
- Color: Sunrise yellow/red accents



Segway has two current product offerings: the e Series is optimized for cargo carrying while the i Series is optimized for range and terrain.

Speed	12.5 mph (20 km/h)	12.5 mph (20 km/h)
Segway HT must be quick enough to compress time and space without disturbing the pedestrian environment, so we gave it the ability to travel about three times faster than the average walker.		
Range (on a single charge)	11 - 17 miles (17 - 28 km)	11 - 17 miles (17 - 28 km)
When most transportation companies talk about range, they reference it under optimal conditions—no wind, flat terrain, and so forth. While Segway HT's optimal range is 17 miles (28 km), we expect you'll be able to travel about 11 miles (17 km) on a single battery charge—accounting for variations in terrain and other factors. This is far more than the distance we expect the average user will travel on foot in one day.		

Turning Radius: zero

One characteristic of a pedestrian is the ability to turn in place without impacting any nearby person or object, something no vehicle can do. By balancing on a single axle, Segway HT users act no differently than pedestrians. The wheels have the ability to rotate in opposite directions, which enables the machine to turn in place.

Payload

Passenger:
250 lbs (113 kg)
Cargo:
75 lbs (34 kg)

Passenger:
250 lbs (113 kg)

In order for Segway HT to be the optimal local travel solution, it has to have carrying capacity for users, packages, and cargo.

Space

Platform height:
8 in (21 cm)
Footprint:
19 x 25 in (48 x 64
cm)

Platform height:
8 in (21 cm)
Footprint:
19 x 25 in (48 x 64
cm)

We designed Segway HT to take up no more space than the average person. It's no wider than a person's shoulders and raises you only 8 inches (21 cm) off the ground.

Weight

95 lbs
(43 kg)

83 lbs
(38 kg)

Portability was a key design objective. That is why we made Segway HT light enough to handle, small enough to store in the trunk of a midsize sedan, and collapsible enough to fit in tight storage spaces.

APPENDIX B

Report Title:

MOTORIZED DEVICES FOR TRANSPORTING PERSONS.

Description:

Places motorized person transporter platforms (MPTPs), motorized bicycles and Electronic Personal Assistive mobility Devices (EPAMDs) in the statutes so their use can be regulated.

A BILL FOR AN ACT

RELATING TO MOTORIZED DEVICES FOR TRANSPORTING PERSONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 291C-1, Hawaii Revised Statutes, is
2 amended by adding the following definitions:

3 "MPTP" (motorized person transporter platform) means a
4 device with two tandem wheels, one of which has a brake, that
5 has handlebars, is designed to be stood or sat upon by the
6 operator, and is powered by an electric motor or internal
7 combustion engine that is capable of propelling the device with
8 or without human propulsion at a speed no greater than 25 mph on
9 a level road.

10 "Motorized bicycle" means a device with two tandem wheels
11 that is propelled both by human power and by an internal
12 combustion engine or a battery powered motor. If battery
13 powered, it has a maximum of 1500 watts (2 horsepower); if
14 powered by an engine it has no more than 2 horsepower (50 cc),
15 an automatic transmission, and a maximum design speed of not
16 more than 25 mph on a flat surface unassisted by human power.

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1 "EPAMD (Electric Personal Assistive Mobility Device) means
2 a self-balancing, two non-tandem wheeled device, designed to
3 transport only one person, with an electric propulsion system at
4 a speed no greater than 12 miles per hour."

5 SECTION 2. Section 291C, Hawaii Revised Statutes, is
6 amended by adding a new section to Part XIV to be appropriately
7 designated and to read as follows:

8 "**291C- Required information provided about MPTPs,**
9 **motorized bicycles and EPAMDs.** Every MPTP, motorized bicycle
10 and EPAMD manufacturer or distributor shall provide a disclosure
11 to buyers that advises buyers that their existing insurance
12 policies might not provide coverage for the device and that
13 their insurance company or insurance agent should be consulted
14 to determine if an existing policy covers it, or if coverage is
15 available by another means. This disclosure shall be printed in
16 not less than 14-point boldface type either on a single sheet of
17 paper or on a paper containing other information about the
18 device and shall include the following language in capital
19 letters:

20 "YOUR INSURANCE POLICIES MAY NOT PROVIDE COVERAGE
21 FOR ACCIDENTS INVOLVING THE USE OF THIS DEVICE. TO

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1 DETERMINE IF COVERAGE IS PROVIDED, YOU SHOULD
2 CONTACT YOUR INSURANCE COMPANY OR AGENT."

3 SECTION 3. Chapter 291C, Hawaii Revised Statutes, is
4 amended by amending Part XIV to read as follows:

5 "~~[+]Part XIV.[+] SPECIAL RULES FOR MOPEDS AND OTHER DEVICES~~
6 ~~[+]§291C-191[+] Definition.~~ As used in this part "FMVSS" means
7 Federal Motor Vehicle Safety Standard as prescribed in Title 49,
8 Part 571, Code of Federal Regulations.

9 ~~[+]§291C-192[+] Effect of violations; vicarious
10 responsibility; jurisdiction.~~ (a) It is a violation for any
11 person to do any act forbidden or fail to perform any act
12 required in this part, except as otherwise provided by law.

13 (b) Any negligence, misconduct, or violation of this part
14 by a minor while driving a moped, MPTP, motorized bicycle or
15 EPAMD shall be imputed to the parent or guardian having custody
16 of such minor, which person shall be jointly and severally
17 liable with the minor for any damages caused by such negligence
18 or misconduct and any penalty assessed by the courts for such
19 violation.

20 (c) This part applies to every person driving a moped, or
21 operating a MPTP, motorized bicycle or EPAMD upon any roadway or

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1 highway or any other publicly owned place under the jurisdiction
2 of the State or any county.

3 **[[§291C-193[] Traffic laws apply to persons driving**
4 **mopeds and other devices.** (a) Every person driving a moped, or
5 operating a MPTP, motorized bicycle or EPAMD upon a roadway
6 shall be granted all of the rights and shall be subject to all
7 of the duties applicable to the driver of a vehicle under this
8 chapter, except as to the special provisions of this part and
9 except as to those provisions of this chapter which by their
10 nature can have no application.

11 (b) MPTPs and EPAMDs shall be operated only on one or 2-
12 lane streets that have a speed limit of 25 miles per hour or
13 less.

14 **§291C-194 Driver's license required.** (a) No person shall
15 drive a moped unless the person:

16 (1) Possesses a valid driver's license of any category
17 listed in section 286-102 provided that if the person
18 applies for a driver's license solely to operate a moped,
19 the person may use a moped to meet the licensing
20 requirements in section 286-102 and shall be licensed in
21 the same category as motor scooters. After meeting the

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1 licensing requirements, the person shall also be licensed
2 to operate motor scooters; and

3 (2) Meets the requirements of section 286-105(3).

4 (b) The driver of a moped shall, upon the demand of a
5 police officer, exhibit the driver's drivers license or
6 instruction permit.

7 (c) Any person who is convicted of violating this section
8 shall be subject to penalties as provided under section 291C-161
9 (b) and (e).

10 (d) No driver's license or rider identification is
11 required to operate a MPTP, motorized bicycle or EPAMD.

12 [+]§291C-195[+] **Driving of mopeds and other devices.** (a) No
13 person less than fifteen years of age shall drive a moped.
14 (b) No person shall drive a moped except while sitting
15 astride the seat, facing forward, with one leg on each side of
16 the moped.

17 (c) No person shall drive a moped or operate a MPTP, a
18 motorized bicycle or EPAMD which is carrying any other person
19 nor shall any person other than the driver or operator ride upon
20 a moped MPTP, motorized bicycle or EPAMD.

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1 (d) No proof of financial responsibility under Chapter 287
2 of the Hawaii Revised Statutes or any other insurance shall be
3 required to operate a MPTP, motorized bicycle, or EPAMD.

4 (e) No registration by the county agencies is required to
5 operate a MPTP, motorized bicycle, or EPAMD.

6 **§291C-196 Driving mopeds and other devices on roadways.** (a)
7 Every person driving a moped or motorized bicycle upon a roadway
8 at a speed less than the normal speed of traffic moving in the
9 same direction at such time shall ride as near to the right side
10 of the roadway as practicable, exercising due care when passing
11 a standing vehicle or one proceeding in the same direction[,
12 except]. Moped and motorized bicycle riders may mix with other
13 traffic under any of the following situations:

14 (1) When preparing for a left turn at an intersection or
15 into a private road or driveway, except where prohibited by
16 official traffic control devices;
17 (2) When reasonably necessary to avoid conditions
18 (including, but not limited to fixed or moving objects,
19 vehicles, bicycles, pedestrians, animals, surface hazards,
20 or substandard width lanes) that make it unsafe to continue
21 along the right-hand curb or edge;

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1 (3) When a roadway is designated and signposted to carry
2 traffic in one direction only and has two or more marked
3 traffic lanes, a person operating a moped or a motorized
4 bicycle may ride as near to the left-hand side of the
5 roadway as practicable.

6 (b) Persons driving mopeds, or operating MPTPs, motorized
7 bicycles or EPAMDs upon a roadway shall drive in single file.

8 (c) No person shall drive a moped, or operate a MPTP,
9 motorized bicycle or EPAMD on any sidewalk or area intended for
10 use as a sidewalk, nor shall any person drive a moped on any
11 path or other area intended for the exclusive use of
12 pedestrians.

13 (d) A person operating a MPTP or an EPAMD on a roadway
14 shall ride as close as practicable to the right side of the
15 roadway, even on one-way roadways described in (a)(3), and only
16 travel straight ahead or turn right. Left turns shall be made
17 by pulling off the roadway on the right side and entering again
18 to cross from a right angle, like a pedestrian.

19 (e) A MPTP, motorized bicycle or EPAMD shall not be
20 operated recklessly.

21 (f) A person operating a MPTP, motorized bicycle or an
22 EPAMD on a roadway shall not carry cargo, which by its size or

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1 weight could hinder safe operation of the device or require the
2 operator to operate a MPTP, motorized bicycle or EPAMD with only
3 one hand.

4 (g) Hazardous materials, exclusive of the fuel required to
5 operate the device, may not be transported on a MPTP, motorized
6 bicycle or EPAMD.

7 (h) A person operating a MPTP, motorized bicycle or an
8 EPAMD must give an audible signal before overtaking and passing
9 any pedestrian or other roadway or bicycle path user.

10 (i) A person operating a MPTP, motorized bicycle or an
11 EPAMD shall obey all speed limits.

12 (j) A MPTP, motorized bicycle or EPAMD shall not be parked
13 in the street. When parked on or near the sidewalk, a MPTP,
14 motorized bicycle or EPAMD must not be an obstruction to
15 pedestrian traffic or cause damage to plants or other property.

16 [f]§291C-197[+] **Driving mopeds and other devices on bicycle**
17 **lanes and paths.** (a) Wherever bicycle lanes are provided on the
18 roadway, moped, MPTP, motorized bicycle or EPAMD drivers or
19 operators shall use such bicycle lanes.

20 (b) The director of transportation by rule and the counties
21 by ordinance may with respect to bicycle paths under their
22 respective jurisdictions restrict or prohibit the use of such

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1 bicycle paths by mopeds and other devices. Signs clearly visible
2 to an ordinarily observant person indicating the restriction or
3 prohibition shall be placed along bicycle paths so designated
4 and every moped and other device driver shall obey the
5 directions thereof.

6 [+]§291C-198[+] **Speed restrictions on mopeds and other**
7 devices. (a) No person shall drive a moped, or operate a MPTP,
8 motorized bicycle or EPAMD at a speed other than is reasonable
9 and prudent under the conditions and having regard to the actual
10 and potential hazards then existing.

11 (b) No person shall drive a moped at a speed greater than
12 thirty-five miles per hour (fifty-eight kilometers per hour).

13 (c) No person shall operate a MPTP or motorized bicycle at
14 a speed greater than 30 miles per hour. An EPAMD shall not be
15 operated at a speed greater than 17 miles per hour.

16 [+]§291C-199[+] **Clinging to vehicles, bicycles, etc.** No
17 person driving a moped, or operating a MPTP, motorized bicycle
18 or EPAMD shall attach oneself or the moped, MPTP, motorized
19 bicycle or EPAMD to any other vehicle, nor permit the rider of a
20 bicycle, coaster, sled, or toy vehicle or any person on roller
21 skates to be or become attached to the moped, MPTP, motorized
22 bicycle or EPAMD or the driver or operator.

1 [+]§291C-200[+] **Use of lamps on mopeds and motorized**
2 **bicycles.** (a) Every moped and motorized bicycle moving upon a
3 highway from thirty minutes after sunset until thirty minutes
4 before sunrise and at any other time when there is insufficient
5 ambient light to render clearly discernible persons and vehicles
6 on the highway at a distance of two hundred feet (60.9 meters)
7 ahead shall display a lighted head lamp and tail lamp; provided
8 that every moped upon a highway within a tunnel shall at all
9 times display a lighted head lamp and tail lamp.

10 (b) MPTPs and EPAMDs are not required to have lights or
11 reflectors, but they are not allowed to be used on roadways that
12 are open to the public or public property from one half hour
13 after sunset to one half hour before sunrise.

14 [+]§291C-201[+] **Renting or selling mopeds.** (a) Every person
15 engaged in the retail business of selling or renting mopeds
16 shall provide the person renting or purchasing a moped with a
17 copy of the rules for mopeds as approved by the director of
18 transportation.

19 (b) Every person renting a moped to another shall keep a
20 record for two years of the registration number of the moped so
21 rented, the name and address of the person to whom the moped is
22 rented, the number of the driver's license of the latter person,

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1 and the date and place when and where the driver's license was
2 issued. This record shall be open to inspection by any police
3 officer or the examiner of drivers or the examiner of drivers'
4 representative.

5 **§291C-202 Moped and other device equipment requirements and**
6 **inspection.** (a) Every moped offered for sale for use upon, sold
7 for use upon, or used upon the roadways and highways shall be
8 equipped with:

9 (1) A motor having a maximum power output capability,
10 measured at the motor output shaft, in accordance with
11 the Society of Automotive Engineers standards, of two
12 horsepower (one thousand four hundred ninety-two watts)
13 or less and, if it is a combustion engine, a maximum
14 piston or rotor displacement of 3.05 cubic inches (fifty
15 cubic centimeters) and which will propel the moped,
16 unassisted, on a level surface at a maximum speed no
17 greater than thirty miles per hour; provided that those
18 mopeds, including those modified pursuant to section
19 291C-206, registered prior to April 23, 1998 shall
20 continue to be subject to the prior thirty-five miles
21 per hour maximum speed limitation; and

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1 (2) A direct or automatic power drive system which requires
2 no clutch or gear shift operation by the moped driver
3 after the drive system is engaged with the power unit.

(b) The director of transportation by rules and regulations, pursuant to chapter 91, shall establish criteria which shall comply with approved federal regulations for the following moped equipment: brake system; fuel system components; exhaust system components; steering system; handlebars; wheel rims; fenders; a guard or protective covering for drive belts, chains and rotating components; seat or saddle; lamps and reflectors; equipment controls; speedometer; retracting stand; horn; and identification markings.

13 (c) The director of transportation by rules and
14 regulations, pursuant to chapter 91, shall establish criteria
15 and procedures for the annual safety inspection of every moped.

16 Safety inspection criteria shall include the criteria
17 established by the director of transportation under subsection
18 (b).

19 (d) A MPTP and a motorized bicycle must have at least one
20 caliper, disk or drum brake on at least one wheel, which is able
21 to cause the tire to skid on a dry, level paved surface from a
22 speed of approximately 10 miles per hour.

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1 (e) A MPTP or motorized bicycle with an internal
2 combustion engine must have a functionally effective muffler as
3 on original equipment or an original equipment manufacturer
4 (OEM) replacement part; any replacement muffler shall not cause
5 the engine to make more noise than it did when it was originally
6 manufactured.

7 **[+]§291C-203[+]** **Certification of compliance.** A person
8 engaged in the business of selling mopeds shall provide to the
9 director of finance of the county in which the mopeds are sold a
10 certificate from the moped manufacturer that each class, type or
11 model of moped offered for sale or sold meets the performance
12 and equipment requirements of this part.

13 **§291C-204 Defacing serial numbers, etc. of mopeds.** No
14 person shall willfully deface, destroy or alter the serial
15 number, a component part number, or identification mark placed
16 on any moped by the manufacturer thereof. This section shall
17 not prohibit the restoration by an owner of an original mark or
18 number when the restoration is authorized in writing by the
19 director of finance, nor prohibit any manufacturer from placing
20 in the ordinary course of business numbers or marks upon new
21 mopeds or new parts thereof. Violation of this section shall be
22 a misdemeanor and shall result in a fine of not more than \$500.

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1 **§291C-205 Unlawful to possess certain mopeds and moped**
2 **parts.** It shall be unlawful for any person to possess a moped, a
3 moped motor, or any moped part knowing that the serial or
4 identification number placed thereon by the manufacturer has
5 been changed, altered, erased or mutilated. This section shall
6 not prohibit the possession of a moped, a moped motor, or any
7 moped part whose original mark or number has been restored when
8 the restoration is authorized in writing by the director of
9 finance, nor prohibit any manufacturer from placing in the
10 ordinary course of business numbers or marks upon new mopeds or
11 new parts thereof. Violation of this section shall be a
12 misdemeanor and shall result in a fine of not more than \$500.

13 **§291C-206 Modifying moped and other device motor;**
14 **violation.** (a) A motor used to power a moped, MPTP, motorized
15 bicycle or EPAMD shall not be modified in any manner except as
16 authorized by the motor manufacturer and any such modification
17 shall not increase the power capacity of the motor above two
18 horsepower (one thousand four hundred ninety-two watts); any
19 such modification or muffler modification or replacement shall
20 not increase the noise output above that of the product
21 originally produced by the manufacturer.

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1 (b) Any person who violates this section shall be fined not
2 more than \$500.

3 **§291C-207 Moped liability insurance; coverage for damage by**
4 **rented or leased moped and other devices.** Every person who
5 offers a moped, MPTP, motorized bicycle or EPAMD for rent or
6 lease shall insure the moped, MPTP, motorized bicycle or EPAMD
7 against loss resulting from liability imposed by law for bodily
8 injury, death or property damage suffered by any person other
9 than the owner or operator of the moped, MPTP, motorized bicycle
10 or EPAMD arising out of the ownership, maintenance or use of the
11 moped, MPTP, motorized bicycle or EPAMD. The moped, MPTP,
12 motorized bicycle or EPAMD liability insurance shall have a
13 coverage of not less than \$25,000 per occurrence bodily injury
14 and \$5,000 per occurrence property damage.

15 SECTION 4. Section 291C-150, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 **§291C-150 Bicycle helmets.** (a) No person under sixteen
18 years of age shall operate a bicycle, MPTP, motorized bicycle or
19 EPAMD on a street, bikeway, or any other public property unless
20 that person is wearing a properly fitted and fastened [bicycle]
21 protective helmet that has been tested by a nationally
22 recognized agency such as the National Highway Traffic Safety

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1 Administration, the National Safety Council, or the Children's
2 Safety Network, and is designed to fit the user and protect
3 against head trauma. This requirement also applies to a person
4 who rides upon a bicycle while in a restraining seat that is
5 attached to the bicycle or who rides in a trailer towed by the
6 bicycle.

7 (b) A person who provides bicycles, MPTPs, motorized
8 bicycles or EPAMDs for hire shall not rent a bicycle, MPTP,
9 motorized bicycle or EPAMD to any person unless every person who
10 is under age sixteen is wearing a [bicycle] protective helmet,
11 as required in subsection (a), while operating the rented
12 bicycle, occupying a restraining seat that is attached to the
13 rented bicycle, or riding in a trailer towed by the rented
14 bicycle.

15 (c) A violation of this section is punishable by a fine of
16 not more than \$25. The parent or legal guardian having control
17 or custody of an unemancipated minor whose conduct violates this
18 section shall be liable for the amount of the fine imposed
19 pursuant to this section.

20 (d) Notwithstanding any law to the contrary, the fines
21 collected for a violation of this section shall be paid into the
22 state treasury to the credit of the state general fund.

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- 1** Section 5. Statutory material to be repealed is bracketed.
- 2** New statutory material is underscored.
- 3** Section 6. This Act shall take effect upon its approval.
- 4**

INTRODUCED BY: _____